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2 Lewis and Clark County
Courthouse - 228 Broadway
3 Helena, MT 59601
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NANCY SWEENEY
CLERK DISTRICT COURT

2015 JUN 30 PM 3:30

FILED
BY T JOHNSON
Deputy

8 MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

9 THE STATE OF MONTANA,

10 Petitioner,

11 -vs-

12 THE REAL PROPERTY LOCATED AT 6350
13 W. MONTANA HIGHWAY 200 WITH ALL
IMPROVEMENTS AND FIXTURES
14 THEREON; A 2008 BLACK CHEVROLET
SILVERADO, VIN NO.
15 3GCEK13J78G240938, REGISTERED TO
DENNIS PEIKER; A 1986 JOHN DEERE
16 EXCAVATOR, SERIAL NO. 3866; A RED
POLARIS SPORTSMAN 600 ATV WITH
17 TRACKS, WITH ATTACHED VIN NO. OF
4XAMH26A671208155; A YELLOW
18 POLARIS SPORTSMAN 400 ATV, WITH
ATTACHED VIN NO. OF
19 4XACH12A84A054964; A GREEN POLARIS
20 MAGNUM 425 ATV WITH GREEN CART,

21 Respondents.

Case No.: ADV-2015-481

PETITION FOR FORFEITURE

MIKE MENAHAN
PRESIDING JUDGE

22 LEO GALLAGHER, County Attorney for Lewis and Clark County, on behalf of the
23 Lewis and Clark County Sheriff Office, pursuant to the provisions of Sections 44-12-201, *et seq.*,
24 MCA, hereby petitions the Court for its order for forfeiture and for disposition of property in
25 accordance with the provisions of Section 44-12-205, MCA.

I.

The property this petition asks the Court to forfeit is both real and personal property. The real property located at 6350 W. Montana Highway 200 with all improvements and fixtures thereon, more particularly described as:

The North Half of the Northeast Quarter (N1/2NE1/4) of Section 30, Township 14 North, Range 9 West, P.M.M., records of Lewis and Clark County, Montana.

EXCEPTING THEREFROM:

Tracts 1 and 2 as shown on Certificate of Survey filed under Document Number 605479/T.

That portion of Montana State Highway 200 as described in Bargain and Sale Deed execute by Delbert F. and Maryann Barham to the State of Montana for the benefit and use of its Department of Highways recorded February 3, 1993 in M Book 13, Page 8747, records of Lewis and Clark County, Montana.

A four sided tract or parcel of land located in the NE1/4 of the NE1/4 SECTION 30, TOWNSHIP 14 NORTH, RANGE 9 WEST, P.M.M., Lewis and Clark County, said land lies South and adjacent to the MONTANA STATE HIGHWAY designated as State Highway Number 20 in Lewis and Clark County, Montana, and more particularly described by metes and bounds, as follows, to-wit:

Beginning at an iron post, 30 inches long, 2 1/2 inches in diameter, 22 inches in the ground, with brass cap marked NE 1/16, S. 30, 1956, and said iron post is the point for the NE 1/16 Section corner of Section 30, and said corner is at the center of the NE 1/4 of Section 30, Township 14 North, Range 9 West; thence N. 0°30' W., 433.00 feet on the North-South center line of the NE 1/4 of Section 30 to a 3/4 inch X 30 inch iron bolt that is on the South Right-of-Way line of State Highway No. 20 and said bolt is at State Highway Right-of-Way station 554 + 06.33; thence S. 69°58'20" E., 220.92 feet along the South Right-of-Way line of the State Highway to a 3/4 inch X 30 inch iron bolt that is at the State Highway survey station 556 + 27.25; thence S. 0°34'20" E., 356.92 feet to a 3/4 inch iron bolt that is on the East-West center line of the NE 1/4 of Section 30, Township 14 North, Range 9 West; thence S. 89°53' W., 207.36 feet along the said East-West center line of the NE 1/4 of Section 30 to the place of beginning. (Deed reference Book 207 of Deeds, Page 40)

A tract of land in the N1/2NE1/2 of Section 30, Township 14 North, Range 9 West, containing in all 10.72 acres, more or less, including, however, 1.03 acres which constitute a part of an existing public highway, by warranty deed recorded in Book 179 of Deeds at page 320, records of Lewis and Clark County, Montana, to the State of Montana Commission.

1 A tract of land containing in all 3.89 acres more or less, including, however, 1.81 acres
2 herein described which have been previously conveyed, described as a tract of land in
3 N1/2NE1/4 of Section 30, Township 14 North, Range 9 West, described as Commencing
4 at the Southeast corner of said N1/2NE1/2, thence westerly 155 feet, more or less along
5 the south line of said N1/2NE1/4 to a point on the southerly right of way line of new
6 Montana State Highway Project F 267 (6), the true point of beginning of this description;
7 thence westerly along said south line of the N1/2NE1/4, 971.1 feet to a point; thence
8 northerly to a point on the southerly right of way line of new State Highway Project F
9 267 (6); thence S. 70°15'30" East along said southerly right of way line to the point of
10 beginning, said deed being recorded in Book 179 of Deeds at page 438, records of Lewis
11 and Clark County, Montana.

12 Acre Number 3 conveyed by warranty deed recorded in Book 208 of Deeds, page 495,
13 records of Lewis and Clark County, Montana, located in the Southeast portion of the
14 N1/4NE1/4 of Section 30, Township 14 North, Range 9 West, more particularly
15 described as: Starting at the East line of the N1/2NE1/4 of Section 30, Township 14
16 North, Range 9 West, and northerly right of way line of the new Montana State Highway
17 Project F 267 (6), the true point of beginning; thence 216 feet Westerly along highway
18 Project F 267 (6) line to Corner No. 2; thence 200 feet Northerly and parallel to the East
19 line of said N1/2NE1/4 of Section 30, Township 14 North, Range 9 West, to point of
20 beginning.

21 A tract of land in the N1/2 of the NE1/4 of SECTION 30, TOWNSHIP 14 NORTH,
22 RANGE 9 WEST. Said acre being located approximately 700 feet west of the S.E.
23 Corner of the above described land. This acre will be known as Acre No. 2 and its
24 corners so marked and designated and the dimensions are 206 feet by 206 feet. (Deed
25 reference Book 172 of Deeds, Page 379)

Excepting therefrom that portion conveyed to the State of Montana for Highway purposes
by Book 179 of Deeds, Page 274.

A tract of land in N1/2NE1/4 SECTION 30, TOWNSHIP 14 NORTH, RANGE 9 WEST,
P.M.M., Lewis and Clark County, Montana, more particularly described as follows:

Commencing at a point on the south line of said N1/2NE1/4; thence westerly 155 feet,
more or less, along the south line of said N1/2NE1/4 to a point on the southerly right of
way line of new State Highway Project F267 (6) the true point of beginning of this
description; thence westerly along the south line of said N1/2NE1/4, 430 feet to a point;
thence northerly and parallel to the east line of said N1/2NE1/4, 150 feet, more or less, to
a point on the southerly right of way line of said New State Highway Project F267 (6)
thence S70°15'30" E., along said right of way line to the point of beginning.
(Deed Reference Book 204 of Deeds, Page 1)

Although searched, the real property and its fixtures were not seized.

Located upon the real property were the following items of personal property:

1 A 2008 black Chevrolet Silverado, VIN No. 3GCEK13J78G240938, registered to Dennis
2 Peiker;

3 A 1986 John Deere excavator, Serial No. 3866;

4 A red Polaris Sportsman 600 ATV with tracks, with attached VIN No. of
5 4XAMH26A671208155;

6 A yellow Polaris Sportsman 400 ATV, with attached VIN No. of
7 4XACH12A84A054964; and

8 A green Polaris Magnum 425 ATV with green cart.

9 These items of personal property were seized in Lewis and Clark County by the Lewis
10 and Clark County Sherriff's Office acting in concert with the Helena Police Department on May
11 15, 2015.

12 II.

13 The property was seized because the real property and attached fixtures were used for the
14 criminal production or manufacture of the dangerous drug marijuana, in violation of Section 45-
15 9-110, MCA and the personal property were purchased with the proceeds of the distribution of
16 dangerous drugs or used to facilitate the criminal production or manufacture of the dangerous
17 drug.

18 III.

19 Because the property was used for the manufacturing, preparing, cultivating, processing,
20 or delivering a dangerous drug or was a conveyance used to facilitate a violation of Section 45-9-
21 110, MCA, or acquired with the proceeds with the proceeds of the distribution of dangerous
22 drug, it is the subject of forfeiture pursuant to the provisions of Sections 44-12-201, et seq.,
23 MCA.

24 IV.

25 Claimants of record are listed on the Attached "Schedule C, which is incorporated herein
by reference.

V.

Pursuant to the provisions of Sections 44-12-201 and 44-12-202, MCA, the Clerk of the above-entitled Court is hereby requested to issue its summons informing the owner and the claimants of the property that the owner or claimant has 20 days from the date of service of the summons and this petition, which period does not include the date of service, to file a verified answer in the above-entitled Court, pursuant to Section 44-12-202, MCA, and to serve a copy of said verified answer upon the Lewis and Clark County Attorney, and that failure to appear or file an answer shall result in default being taken against the owner and claimant of the property for the relief demanded in this petition.

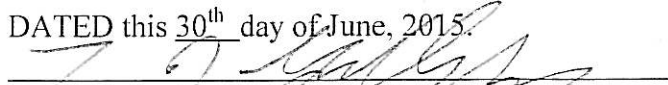
VI.

Following entry of the owner's default or, in the alternative, following an adjudicatory hearing, the Court issue its order of forfeiture and that the property be disposed of in accordance with the provisions of Sections 44-12-205, MCA.

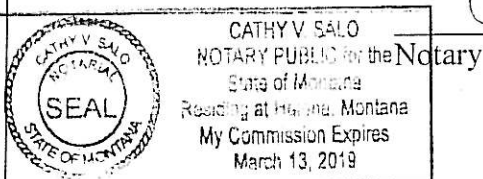
WHEREFORE, the undersigned prays that:

1. The Court issue its order forfeiting the property to the appropriate authorities for disposition in accordance with the provisions of Section 44-12-205, MCA.
2. Pursuant to Sections 44-12-201 and 44-12-202, MCA, the Clerk of the above-entitled Court issue its summons for service upon the owner of the property, Mark Monroe, and the claimant of the property, Dennis Ray Peiker, and any other claimants of record, and that said summons state that a verified answer to this petition must be filed within 20 days after service of the petition and summons, or such owner and claimant will forever be barred from presenting evidence rebutting the allegations of this petition, and that default will be entered against the owner and claimant of the property for the relief prayed for in this petition.

DATED this 30th day of June, 2015.


Leo J. Gallagher, Lewis and Clark County Attorney

Subscribed and sworn to before me this 30th day of June 2015.



ORDER NO.: L&C100148

Schedule C
6350 W. MT Highway 200
Lincoln, MT 59639
Addresses

Paragraph Number	Recording Information	Mailing Address
Schedule A, #5	Warranty Deed February 19, 2005 M Book 37, Page 9140	Mark Monroe 7695 Bingham Ave. Newaygo, MI 49337
Schedule B, Part II, #2	Federal Tax Lien May 20, 2013 3242051	Department of Treasury Internal Revenue Service M55021 DEN 1999 Broadway Denver, CO 80202-2470
Schedule B, Part II, #3	Federal Tax Lien September 16, 2013 3248640	Department of Treasury Internal Revenue Service M55021 DEN 1999 Broadway Denver, CO 80202-2470
Schedule B, Part II #4	Federal Tax Lien September 16, 2013 3248641	Department of Treasury Internal Revenue Service M55021 DEN 1999 Broadway Denver, CO 80202-2470